

# BARTON

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ATTORNEYS AT LAW

April 2, 2020

**VIA ECF**

Hon. Alison J. Nathan, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 906  
New York, New York 10007

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Re: Case No. 19-cv-5205  
*Ruilova v. 443 Lexington Ave, Inc. d/b/a Davio's et al.,*

Dear Judge Nathan:

We are co-counsel to the Defendants (collectively, "Davio's") in the above-referenced action. Pursuant to the Amended Civil Case Management and Scheduling Order [ECF No. 69], the parties are scheduled to appear for a Case Management Conference on April 2, 2020 at 3:00 p.m. We write respectfully to request an adjournment of the Case Management Conference to May 7, 12 or 13. There have been no previous requests for an adjournment of this conference. We have conferred with Plaintiffs' counsel and they consent to this request.

As a result of the Court's rulings on March 20, 2020, discovery has been stayed as to the Pennsylvania and Massachusetts Defendants while we await Plaintiffs' forthcoming Amended Complaint to be filed tomorrow, April 3, 2020. With respect to the New York Defendants, the parties have conferred and have no discovery issues for the Court's consideration at this time.

However, we wish to advise the Court that the current health crisis has unfortunately forced the Defendants' restaurants to close and most employees to be furloughed, causing Defendants some impediment in accessing documents that may be subject of discovery and producing witnesses for deposition. Accordingly, the parties believe they will be in a better position in a few weeks to assess whether to request amendments to the current Case Management Plan and Schedule, if any.

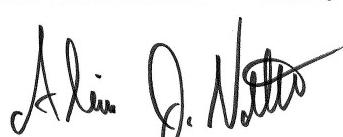
We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Scott G. Grubin

Scott G. Grubin

SO ORDERED. 4/2/20



Alison J. Nathan, U.S.D.J.

cc: Counsel of Record

There is no conference scheduled for April 2, 2020. The next conference in this matter is scheduled for April 2, 2021, after the completion of fact discovery. See Dkt. No. 69. Accordingly, the request to adjourn the conference is denied.  
SO ORDERED.